

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:13-CR-00221-02-BRW**

**LAMONT JOHNSON**

**ORDER**

Today the Court held a hearing on Mr. Johnson's competency to proceed in this case, pursuant to 18 U.S.C. § 4241(a). The parties agreed with the conclusion of the April 7, 2014 forensic report<sup>1</sup> finding no direct evidence that Mr. Johnson is competent to proceed. In the report, Dr. Dwyer recommended that Mr. Johnson be referred to a federal medical center for further evaluation and treatment under 18 U.S.C. § 4241(d). The parties agreed with Dr. Dwyer's recommendation.

Accordingly, I find that Mr. Johnson presently is incompetent to stand trial, and he is committed to the custody of the Attorney General, who will hospitalize Mr. Johnson for treatment in a suitable facility for a reasonable period of time, not to exceed four months from today, as is necessary to determine whether there is a substantial probability that in the foreseeable future Mr. Johnson will attain the capacity to permit the proceedings to go forward.<sup>2</sup>

The Attorney General will hospitalize Mr. Johnson for an additional reasonable period of time until the earlier of two events occurs: (1) his mental condition is so improved that his proceeding can go forward, if the Court finds there is substantial probability that within this

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<sup>1</sup>The report was written by Jeremiah Dwyer, Ph.D, of the Federal Bureau of Prisons Detention Center in Englewood, Colorado.

<sup>2</sup>18 U.S.C. § 4241(d)(1).

additional period of time he will attain the capacity to permit the proceedings to go forward; or  
(2) the pending charges against him are disposed of according to law.<sup>3</sup>

The Attorney General (through the United States Attorney) is directed to file periodic reports, at least every 45 days, regarding Mr. Johnson's treatment and status. The reports must be filed under seal.

The Attorney General must forthwith designate a facility, and arrange for Mr. Johnson's transportation there. Any delay occasioned by this examination is excludable under the provisions of the Speedy Trial Act as provided by 18 U.S.C. § 3161(h)(1)(A) and (F).

IT IS SO ORDERED this 20<sup>th</sup> day of May, 2014.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup>18 U.S.C. § 4241(d)(2)(A) & (B).